

AMENDED IN SENATE MARCH 28, 2014

AMENDED IN SENATE MARCH 17, 2014

SENATE BILL

No. 994

Introduced by Senator Monning

February 12, 2014

An act to add Section 9957 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 994, as amended, Monning. Vehicles: vehicle information: privacy.

Existing law imposes various requirements upon manufacturers of motor vehicles sold or leased in this state with regard to disclosing information and providing equipment. A violation of these provisions is a crime.

This bill would enact the ~~Consumer Vehicle Information Choice and Control~~ *Car Information and Choice* Act. The bill would require a manufacturer of any new motor vehicle sold or leased in this state *that is manufactured* on or after January 1, 2016, that generates or collects vehicle information, as defined, to make certain disclosures to the registered owner regarding the generation and collection of that information. The bill would require the manufacturer to provide the registered owner of the vehicle with access to the vehicle information and the ability to securely transmit that information to a 3rd party selected by the registered owner, as specified. The bill would prohibit a manufacturer from limiting, impairing, or otherwise restricting, by any means, the ability of the registered owner to access, use, or transmit his or her vehicle information, and would further prohibit the manufacturer from taking any adverse action against the registered owner for accessing or using or transmitting his or her vehicle

information, as specified. The bill would prohibit vehicle information from being downloaded, transmitted, or received by a person other than the registered owner, except as specified.

Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Consumer ~~Vehicle Information Choice and Control~~ Car
3 *Information and Choice Act*.

4 SEC. 2. (a) The Legislature finds and declares all of the
5 following:

6 (1) Today's motor vehicles are equipped with sophisticated
7 computers that control everything from comfort and convenience
8 features, including air temperature, seat positions, and infotainment,
9 to critical safety features, such as air bags and antilock brakes, to
10 complex engine systems, such as transmission, fuel, emissions,
11 and exhaust systems.

12 (2) These computers can generate and collect information that
13 is important to consumers about the condition and performance of
14 their motor vehicles, including repair, maintenance, and diagnostic
15 information.

16 (3) These computers can also generate and collect sensitive
17 personal information about consumers and their driving behaviors.
18 For example, motor vehicles can collect precise location
19 information as well as information about where and when
20 consumers have driven their motor vehicles. Motor vehicles can
21 also collect information about how consumers drive, including
22 information about braking, acceleration, speed, and the number of
23 passengers carried.

24 (4) In 2014, approximately one in five new motor vehicles sold
25 in California will be equipped with systems that can wirelessly

1 transmit consumer vehicle information outside the motor vehicle.
2 By 2025, it is expected that all new motor vehicles sold in
3 California will have wireless data transmission capabilities along
4 with the capacity to generate vast quantities of information about
5 consumers, their driving habits, and the condition and performance
6 of their motor vehicles.

7 (5) It is unclear who has the right to control the dissemination
8 of consumer vehicle information, as there are no uniform standards
9 or policies that address this issue with respect to the broad array
10 of consumer vehicle information that may be shared. Today,
11 consumers have limited ability to access their vehicle information
12 or to transmit their vehicle information from their motor vehicles
13 to service providers of their choice.

14 (6) Restricting consumers' ability to choose who can access
15 information from their motor vehicles reduces competition and
16 innovation and negatively affects consumers' ability to select the
17 services they prefer and realize the full value of the motor vehicles
18 they own or lease.

19 (b) It is therefore the intent of the Legislature to create a uniform
20 policy that ensures that consumers are clearly informed of the
21 kinds of information their motor vehicles generate and collect
22 about them, including information about their driving habits and
23 the condition of their motor vehicles. It is also the intent of the
24 Legislature that consumers are given more choice over who can
25 access and use this information from their motor vehicles as well
26 as rights to securely transmit this information from their motor
27 vehicles to service providers of their choice.

28 SEC. 3. Section 9957 is added to the Vehicle Code, to read:

29 9957. (a) This section applies to ~~new~~ *all motor vehicles sold*
30 ~~or leased in this state~~ *manufactured* on or after January 1, 2016.

31 (b) A manufacturer of a new motor vehicle sold or leased in
32 this state that generates or collects vehicle information shall do all
33 of the following:

34 (1) Disclose that the motor vehicle generates or collects vehicle
35 information and describe the types of vehicle information generated
36 or collected by the motor vehicle in a plainly written statement
37 included in the owner's manual for the motor vehicle.

38 (2) Provide a copy of the statement described in paragraph (1)
39 in a separate document printed in no less than 12-point type to the

1 prospective registered owner of the new motor vehicle prior to the
2 purchase or lease of the vehicle.

3 (3) ~~The~~ *Include in the statement included* in the owner's manual
4 pursuant to paragraph (1) and the statement contained in the
5 separate document described in paragraph (2) ~~shall include~~ the
6 following statement in 14-point bold type:

7
8 “THIS MOTOR VEHICLE GENERATES AND COLLECTS
9 INFORMATION ABOUT YOU, HOW YOU DRIVE, AND THE
10 CONDITION OF YOUR MOTOR VEHICLE. UNDER
11 CALIFORNIA LAW, YOU ~~THE~~ HAVE *THE* RIGHT TO
12 CHOOSE WHO CAN ACCESS THIS INFORMATION FROM
13 YOUR MOTOR VEHICLE.”

14
15 (4) Affix the statement described in paragraph (3) securely in
16 a clear and conspicuous manner to the side window or windshield
17 of the new motor vehicle.

18 (c) A manufacturer of a new motor vehicle sold or leased in this
19 state that generates or collects vehicle information shall provide
20 the registered owner of the motor vehicle with all of the following:

21 (1) Access from the motor vehicle to the vehicle information.

22 (2) Fair and reasonable access to tools and information
23 reasonably necessary to use the vehicle information.

24 (3) The ability to securely transmit the vehicle information
25 outside the motor vehicle to any person selected by the registered
26 owner of the motor vehicle.

27 (A) The manufacturer shall not impose any fees or charges on
28 a registered owner to make transmissions of vehicle information
29 pursuant to this paragraph.

30 (B) The manufacturer shall provide fair, nondiscriminatory, and
31 reasonable means for persons selected by the registered owner in
32 accordance with this paragraph to receive the vehicle information
33 in a standard, usable format.

34 (C) If the motor vehicle is equipped with a telematics system,
35 the manufacturer shall provide the registered owner with the ability
36 to use the telematics system to securely transmit vehicle
37 information in accordance with this paragraph and shall provide
38 fair, nondiscriminatory, and reasonable means for persons selected
39 by the registered owner in accordance with this paragraph to

1 securely access the telematics system to provide remote services
2 that are requested by the registered owner.

3 (d) A manufacturer shall not limit, impair, or otherwise restrict,
4 by any means, the ability of a registered owner to access, use, or
5 transmit his or her vehicle information. A manufacturer shall not
6 take any adverse action against a registered owner for accessing
7 or using his or her vehicle information or transmitting his or her
8 vehicle information outside the motor vehicle to a person other
9 than the manufacturer or obtaining services that use vehicle
10 information from a person other than the manufacturer.

11 (e) Vehicle information shall not be downloaded or transmitted
12 outside the motor vehicle or otherwise retrieved from the motor
13 vehicle by a person other than the registered owner of the motor
14 vehicle, except under one of the following circumstances:

15 (1) A registered owner of the motor vehicle consents to the
16 download, transmission, or retrieval of his or her vehicle
17 information.

18 (2) The vehicle information is downloaded, transmitted, or
19 retrieved by the manufacturer of the motor vehicle. The
20 manufacturer shall not release or otherwise disclose the vehicle
21 information received pursuant to this paragraph to any person other
22 than the registered owner of the motor vehicle, unless that vehicle
23 information is in a form that cannot be used to identify the
24 registered owner or driver of the motor vehicle.

25 (3) The vehicle information is downloaded, transmitted, or
26 retrieved for the purpose of diagnosing, servicing, or repairing a
27 motor vehicle at the request of the registered owner or driver of
28 that motor vehicle.

29 (4) For purposes of improving motor vehicle safety, including
30 for medical research of the human body's reaction to motor vehicle
31 accidents, provided that the identity of the registered owner or
32 driver is not disclosed in connection with that retrieved information.
33 The disclosure of the vehicle identification number (VIN) for
34 purposes of improving vehicle safety, including for medical
35 research of the human body's reaction to motor vehicle accidents,
36 does not constitute the disclosure of the identity of a registered
37 owner or driver for purposes of this paragraph. A person authorized
38 to download or otherwise retrieve vehicle information pursuant to
39 this paragraph shall not release that vehicle information, except to
40 share that information among the motor vehicle safety and medical

1 research communities to advance motor vehicle safety, and only
2 if the identity of the registered owner or driver is not disclosed.

3 (5) In response to an order of a court having jurisdiction to issue
4 the order.

5 (f) A registered owner of a motor vehicle shall not be compelled
6 to access, download, or retrieve vehicle information from the motor
7 vehicle or transmit vehicle information outside the motor vehicle
8 except pursuant to an order of a court having jurisdiction to issue
9 the order or as otherwise required by law.

10 (g) This section shall not be construed to require a manufacturer
11 of a motor vehicle to disclose any trade secret.

12 (h) This section does not relieve manufacturers of the duty to
13 create secure telematics, computer, and other electronic systems
14 in the motor vehicles they manufacture, including the duty to
15 prevent unauthorized access into these systems.

16 (i) *This section does not supersede or modify the provisions of*
17 *Section 2632.5 of Title 10 of the California Code of Regulations*
18 *concerning automobile insurance rating factors.*

19 (j)

20 (j) For purposes of this section, “vehicle information” means
21 any and all data that is generated or collected by a motor vehicle
22 through a computer or other device embedded or integrated into
23 a motor vehicle that can be used, either alone or with other
24 information, to distinguish or individually identify the registered
25 owner of a motor vehicle, the driver of a motor vehicle, or the
26 operation, use, or condition of a motor vehicle. “Vehicle
27 information” includes, but is not limited to, all of the following:

28 (1) The name, address, email address, and telephone number of
29 the registered owner or driver of the motor vehicle and the motor
30 vehicle’s vehicle identification number.

31 (2) Speed, distance, braking, acceleration, steering, seat-belt
32 use, air bag deployment, collision, accident, geolocation,
33 time-of-day driven, miles driven, duration driven, driving style,
34 fuel, tire pressure, passenger, battery, door lock, and odometer
35 information, sensor data, subsystem data, and diagnostic trouble
36 codes.

37 (k)

38 (k) For purposes of this section, “registered owner” means a
39 registered owner as defined in Section 505 and, in the case of a

1 leased vehicle, the lessee as shown on the registration card for the
2 leased vehicle.

3 ~~(k)~~

4 (l) For purposes of this section, the term “telematics system”
5 means a system that allows the transmission of data to and from
6 the motor vehicle using one or more embedded or mobile
7 communication devices that connect to telecommunications
8 networks, including, but not limited to, wireless and landline
9 communication networks and global positioning system satellites.

10 SEC. 4. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

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